



TITLE: PARKS DIVISION
FILMING POLICY AND GUIDELINES

EFFECTIVE DATE: April 13, 2001

I. Purpose: The purpose of these guidelines is to establish and implement consistent policies and guidelines in dealing with requests to use Montana Fish, Wildlife & Parks (FWP) properties for commercial filming purposes. Broadly defined, commercial filming may include still photography, motion picture and documentary films, and/or any filming undertaken to be used in the commercial use of the film or motion picture.

This policy recognizes the role that the film industry has in Montana's economy, as well as the important natural and cultural resources FWP is charged to protect. This policy will provide guidelines for the use of those resources in regards to all commercial filming on Department lands.

II. Definitions: The following definitions shall apply to commercial photography activities on FWP properties:

A. Still Photography – shall include those commercial ventures that utilize hand-held or tripod mounted still cameras using standard filming practices. For the purposes of this definition, still photography will involve only existing scenery, land features, or existing buildings. No models, products, or similar additions shall be added to the still photography effort. Typical commercial still photography examples include, but are not limited to, images intended for later sale or distribution involving post cards, calendars, books, magazines, and finished photographs.

B. Documentary Films – shall include those commercial ventures which depict historical, documentary, nature or natural features, and similar events or experiences. Documentary films of this type usually include video or motion picture filming, but may also include some aspects of still photography. Documentary films do not include product endorsements or advertising. Typical documentary film examples include, but are not limited to, National Geographic, Public Broadcasting System (PBS), mining history, and similar commercial filming efforts.

C. Major Motion Pictures/Commercial Advertising – shall include those commercial filming efforts that are made-for-TV movies, product endorsements, TV commercials or advertising, and similar professionally managed and directed filming efforts. Commercial filming of this type typically involves paid actors, product endorsements, and on-site professional film crews, support staff, and related equipment.

III. Film Permits: All filming done on Department lands, either still or motion, intended for public viewing shall follow these guidelines and obtain the required permit. All permits issued for filming will incorporate the provisions of this policy. Two types of film permits are utilized by FWP:

- A. Special Use Permit - for commercial still photography activities only.
- B. Filming Permit – for all other commercial filming activities.

The following conditions shall apply to all commercial filming conducted under this policy:

- A. All photography to be used in advertisements of products or services requires a permit. Advertisements shall not imply endorsement by FWP or State of Montana.
- B. Written permission to conduct a filming activity must be obtained in advance from the Regional FWP office (a list of the FWP offices is included in Section XVIII of this policy).
- C. Persons applying for a permit shall provide FWP, at the time of application, with either a script of the production or a written description with adequate detail so that FWP can determine if it is in the best interest of FWP and the State to allow the activity, at its sole discretion. Either of these descriptions must explicitly describe and document the use of any wild or domestic animals, fire, pyrotechnics, explosives, chemicals, proposed facility modification or construction, or any off-road vehicle activity.
- D. Filming activities may not unduly conflict with visitor use at a specific Department site.
- E. FWP will coordinate with the Montana Film Office, Department of Commerce when an inquiry or application for a film permit is received.
- F. All filming done on Department lands shall have a special use or film permit, except:
 - Still photography by individuals for personal non-commercial use, using hand-held equipment, tripods, flashbulbs and/or strobe lights, which does not involve the use of products, models, sets, props, lights or similar equipment.
 - Photographers and news crews reporting events for the news media are not required to have a permit so long as the film is used solely for news media; if the film product is to be used for other commercial purposes, this policy shall

apply. News events include events such as an appearance by a public figure, emergencies, commemorative event, or non-recurring natural phenomenon.

- Montana Fish, Wildlife & Parks filming endeavors.

G. All filming must be conducted pursuant to applicable rules and regulations governing activities conducted on FWP lands and in accordance with this policy and guideline.

IV. Minimum Notice: FWP recognizes the short time frames that many filming companies operate under. FWP will strive to accommodate the deadlines and permit requests of the permittee, where practical. However, FWP typically requires up to five (5) business days from the time a completed permit application and fees are received to issue a filming permit. This time frame may be increased if the nature of the filming request requires environmental and cultural clearances. These filming guidelines and policy do not override or supersede the need to comply with the Montana Environmental Policy Act (MEPA).

V. Fees: Fees charged for filming conducted on FWP property shall be based upon the following general categories:

A. Still Photography – A Special Use Permit for filming is required. There shall be a \$25/year fee for this permit and it will be valid for all FWP sites for one calendar year. The permit will require that the use of the photos give appropriate credit to the park and to Montana State Parks/Montana Department of Fish, Wildlife & Parks.

B. Documentary Motion Pictures (and similar film projects) – A Filming Permit is required. The following fee structure shall be utilized for this category of filming:

\$50	Application Fee
\$50/day	1 to 5 person crew
\$100/day	6 to 25 person crew
\$200/day	26 to 50 person crew
\$300/day	over 50 person crew

Note – Overtime payments for FWP staff involved may be required for specific filming projects (based upon hours, season, and coordination/support requirements).

C. Major Motion Pictures (and similar projects involving commercial promotions of products and/or services) – A Filming Permit is required. The following fee structure shall be utilized for this category of filming:

\$50	Application Fee
\$150/day	1 to 5 person crew
\$200/day	6 to 25 person crew
\$300/day	26 to 50 person crew
\$400/day	over 50 person crew

Note – Overtime payments for FWP staff involved may be required for specific filming projects (based upon hours, season, and coordination/support requirements).

VI. Bond and Damage Provisions: A bond, certificate of deposit, certified check, letter of

credit, or other acceptable means of security deposit in the amount determined by FWP shall be required held by FWP prior to the issuance of a Filming Permit. FWP may make allowance for security based upon the size of the project, at its sole discretion.

A. At its sole expense, permittee shall repair and replace any damaged structures or areas occupied or used during the filming, if damage is caused by or partially caused by, the permittee, within ten (10) days of the date damage is sustained. If this does not occur, FWP may deduct from the security deposit as it deems necessary.

B. A security deposit as provided above will be required in an amount equal to the estimated cost to FWP of clean-up or restoration that would be required if the permittee fails to perform such clean-up or restoration. FWP retains the right to contract such services. After the service is completed, FWP will assess the charge, deduct it from the security deposit and return the balance, if any, to the permittee. If irreparable damage should occur, the entire security amount may be assessed and charged. FWP will also have the option to pursue any and all legal recourse for reasonable compensation, if the security provided is insufficient to pay the cost of clean-up or restoration, or if irreparable damage occurs.

C. FWP may waive the security deposit requirement if it anticipates no damage to the resource, or if it determines that the activities permitted will not require clean-up or restoration. If FWP determines that, based upon the size and scope of the filming, a security deposit is not required, it shall be at the sole discretion of FWP.

VII. Insurance: In order to accomplish the indemnification required for, but without limiting the indemnification, the permittee may be required, as a condition of the permit, to secure and maintain throughout the term of the permit the following types of insurance issued by companies acceptable to FWP with the limits shown below. If determined necessary by FWP, as a condition precedent to permittee's obligations hereunder, permittee, at his own expense, shall present to FWP for approval, certificates or policies of insurance as evidence that the following types and amounts of insurance are in effect during the entire term of this agreement:

A. Comprehensive General Liability - to include premise operations and contractual liability coverage with combined single limits of \$1,000,000.

B. Workers' Compensation - all Workers' Compensation Insurance liabilities as delineated by Montana State Law.

C. All insurance policies except for the Workers' Compensation Insurance and Personal Automobile shall contain additional endorsements naming the State of Montana, its employees, agents, volunteers and officers as additional named insured with respect to liabilities arising out of the use permitted hereunder.

D. Prior to use of Department lands, permittee shall provide certified copies of all policies and endorsements and a photocopy of automobile coverage to FWP evidencing the insurance coverage above required.

E. All policies required above are to be primary and non-contributing with any insurance or self-insurance programs carried or administered by the State.

F. Permittee shall require the carriers of the coverage to waive all rights of subrogation against FWP, its officers, volunteers, employees, contractors and subcontractors.

VIII. State Supervision: Filming permitted shall be supervised by a state employee to assure full compliance with all of the terms and conditions of the permit. In the case of a project involving substantial numbers of persons and equipment, supervision will be on-location and continuous. Note that payment of overtime to FWP staff may be required on a case-by-case basis, depending on hours of filming, season, and coordination/support requirements.

IX. Use of Animals: The use of domestic/tame animals may be permitted if humane treatment is accorded the animals at all times. In no case may animals be used which could effect, damage or threaten resident wildlife populations. FWP may require certification of disease free status, or sterility of domestic animals.

X. Denial of Permit: FWP may deny the use of Department lands for use in filming for causes such as:

A. Resource Damage - A permit shall be denied if damage to a resource may result. Alternatively, in the discretion of FWP, conditions may be attached to the permit if needed to protect wildlife, natural, historical, archeological, and cultural resources.

B. Disruption of Visitor Activities - If FWP determines that the proposed filming would conflict unduly with the public's normal use of Department lands, the request shall be negotiated to alleviate that impact or, if that is not possible, the request shall be denied.

C. Closed Areas - Permits may not allow activities or access to areas not generally accessible to the general public, unless specific written approval is received from FWP.

XI. Termination of Permit: In each filming permit FWP reserves the right to terminate the agreement with thirty (30) days written notice to the permittee. Termination shall be for good cause and shall not be arbitrary or unreasonable. The agreement may be terminated on two (2) days notice if permittee is in default in the payment of fees. The film permit may be revoked at the discretion of FWP without notice if damage to resources or facilities are threatened, notwithstanding any other term or condition of the permit to the contrary.

XII. State Equipment: State equipment may not be loaned or rented to a film company, or diverted from its normal use, without the specific written authorization of the Parks Administrator.

XIII. Off-duty Employees Working For Filming Company: Employees may work, off duty, for a film company only if they do not perform or appear to be performing duties within the scope of their state employment.

XIV. State Logo: Whenever a film company wishes to use the State Parks logo or Montana Fish, Wildlife & Parks logo, permission of the Parks Administrator and Department Director, respectfully, is required. This shall not be applied so narrowly that there will be a prohibition of incidental filming of the symbol, except where that filming is for advertising, promotional, or commercial purposes. Incidental filming includes casual appearance of the logo, as on the shoulder patch of a uniformed employee, a state vehicle, or on an entrance or similar sign.

XV. Permit Assignment: Filming permits issued by FWP are non-transferable and non-assignable; any attempted transfer or assignment of an issued permit shall cause immediate termination of that permit.

XVI. Effective Date: This policy shall become effective immediately upon its approval by the FWP Parks Administrator. Any permits that are being negotiated, renewed, amended or updated at the time of the effective date or thereafter are subject to the provisions of this policy.

XVII. Montana Fish, Wildlife & Parks (FWP) Offices:

Montana FWP
Helena Headquarters
1420 East 6th Avenue
Helena, MT 59620-0701
(406) 444-2535

Region 4 – Great Falls
4600 Giant Springs Road
Great Falls, MT 59405
(406) 454-5840

Region 1 – Kalispell
490 North Meridian Road
Kalispell, MT 59901
(406) 752-5501

Region 5 - Billings
2300 Lake Elmo Drive
Billings, MT 59105
(406) 247-2940

Region 2 – Missoula
3201 Spurgin Road
Missoula, MT 59804
(406) 542-5500

Region 6 - Glasgow
Rural Route 1 - 4210
Glasgow, MT 59230
(406) 228-3700

Region 3 – Bozeman
1400 South 19th
Bozeman, MT 59718
(406) 994-4042

Region 7 – Miles City
Industrial Site W
Miles City, MT 59301
(406) 234-0900